

**Remarks**

Claims 1, 3-5, 12, 13, 15, 16 and 17 are pending herein. Claims 1, 3-5, 12, 13 and 15 are withdrawn from further consideration as being drawn to a non-elected species, there being no allowable generic or linking claim.

By this Amendment, claim 16 has been amended and new claim 17 has been added.

Claim 16 has been amended to recite specific carboxylic acid derivatives which can be used as the functional group carried by the ethylene-2-ethylhexyl (meth)acrylate copolymer (B1). Support for this amendment can be found in the specification at, for example, page 7, lines 17, 19-21 and page 7, line 30 through page 8, line 8.

New claim 17 limits the functional group carried by the ethylene-2-ethylhexyl (meth)acrylate copolymer (B1) in claim 16 to maleic anhydride. Support for this claim can be found in the specification at, for example, in Examples 3 and 5.

In the Office Action, claim 16 is rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,977,216 to Elia ("Elia").

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the rejection set forth in the Office Action.

**I. The Rejection**

Claim 16 is rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Elia.

Elia is cited for disclosing:

compositions comprising 75-90 weight percent nylon and 10-25 weight percent ethylene ionomer. Preferred ionomers of ethylene include ethylene/acrylic acid/ethylhexyl acrylate having from about 35 to about 75 percent of the carboxylic acid groups neutralized with metal ions (column 3, lines 5-31 and column 4, line 37), said preferred ionomer meeting the requirements of the presently claimed component B). (page 2 of the Office Action)

As noted above, claim 16 has been amended to recite specific carboxylic acid derivatives (i.e., anhydrides, amides and imides of carboxylic acids) which can be used as the functional group carried by the ethylene-2-ethylhexyl (meth)acrylate copolymer (B1). New claim 17 limits the functional group carried by the ethylene-2-ethylhexyl (meth)acrylate copolymer (B1) in claim 16 to maleic anhydride. Support for this claim can be found in the specification at, for example, in Examples 3 and 5.

Applicants respectfully submit claim 16, as amended herein, and new claim 17 are not anticipated by and would not have been obvious over Elia.

Elia does not teach or suggest that the ionomer therein contains any of the functional groups recited in claim 16 as being carried by the ethylene-2-ethylhexyl (meth)acrylate copolymer (B1). The relevant portion of the ionomer is designated "X" and is recited to be an unsaturated carboxylic acid selected from the group consisting of acrylic acid, methacrylic acid, maleic acid, fumaric acid, itaconic acid, and half esters of maleic, fumaric and itaconic acid (see column 2, lines 51-56) wherein from about 3 to about 90% of the carboxylic acid groups neutralized with metal ions selected from groups Ia, IIa, IIB, IIIa, IVa, VIb and VIII of the Periodic Table of the Elements (column 3, lines 1-4). Elia does not teach or suggest that the "X" portion of the ionomer can be (i) a carboxylic acid derivative selected from the group consisting of anhydrides, amides and imides of carboxylic acids, (ii) an acid chloride, (iii) an isocyanate, (iv) an oxazoline, (v) an epoxide, (vi) an amine or (vii) a hydroxide. In particular, Elia does not teach or suggest that the "X" portion of the ionomer can be maleic anhydride, as recited in instant claim 17.

Furthermore, Elia does not teach or suggest the impact modifier used in the blend with the ethylene-2-ethylhexyl (meth)acrylate copolymer (B2). The impact modifier recited in claim 16 carries a functional group selected from the group consisting of (i) carboxylic acid derivatives other than the ester functional group of the acrylate portion of the copolymer (B2), the carboxylic acid derivatives being selected from the group consisting of anhydrides, amides and imides of carboxylic acids, (ii) acid chlorides, (iii) isocyanates, (iv) oxazolines, (v) epoxides, (vi) amines and (vii) hydroxides. Elia does not

teach the use of an impact modifier, more particularly an impact modifier containing any of the functional groups specified in claim 16.

Therefore, for at least these reasons, Applicants submit that Elia does not anticipate or render obvious claims 16 and 17.

## **II. Conclusion**

In view of the amendments and remarks above, Applicants respectfully request that the rejection be withdrawn and that claims 16 and 17 be allowed.

Respectfully submitted,

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**LISTING OF CLAIMS**

Claim 1 (Previously Amended; Withdrawn) Thermoplastic compositions comprising:

- 40 to 97 parts of a thermoplastic polymer (M) forming a matrix, the thermoplastic polymer (M) being selected from the group consisting of fluoro polymers, polycarbonate, styrene resins, PMMA, thermoplastic polyurethanes (TPU), copolymers containing polyester blocks and polyether blocks, polycarbonate-polyester alloys, polyketones, PVC and ethylene-vinyl alcohol copolymers (EVOH),

- 60 to 3 parts of (B) comprising:

either an ethylene-alkyl (meth)acrylate copolymer (B1), the alkyl having at least 8 carbon atoms, which copolymer (B1) further carries a functional group selected from the group consisting of carboxylic acids, carboxylic acid derivatives other than the ester functional group of the acrylate portion of the copolymer (B1), acid chlorides, isocyanates, oxazolines, epoxides, amines and hydroxides,  
or a blend of an ethylene-alkyl (meth)acrylate copolymer (B2), the alkyl having at least 8 carbon atoms, which copolymer (B2) does not carry a functional group selected from the group consisting of carboxylic acids, carboxylic acid derivatives other than the ester functional group of the acrylate portion of the copolymer (B2), acid chlorides, isocyanates, oxazolines, epoxides, amines and hydroxides, and of an impact modifier which carries a functional group selected from the group consisting of carboxylic acids and their derivatives, acid chlorides, isocyanates, oxazolines, epoxides, amines and hydroxides.

Claim 2 (Cancelled)

Claim 3 (Previously Amended; Withdrawn) Compositions according to Claim 1, wherein the alkyl of the alkyl(meth)acrylate of (B1) and (B2) has from 8 to 20 carbon atoms.

Claim 4 (Previously Amended; Withdrawn) Compositions according to Claim 1 wherein the impact modifier is an ethylene/alkyl (meth)acrylate/maleic anhydride copolymer.

Claim 5 (Previously Amended; Withdrawn) Compositions according to Claim 1, wherein the proportion of (B) is from 5 to 35 parts per 95 to 65 parts of (M).

Claims 6-11 (Cancelled)

Claim 12 (Previously Added; Withdrawn) Compositions according to Claim 3, wherein acrylate is 2-ethylhexyl acrylate.

Claim 13 (Previously Added; Withdrawn) Compositions according to Claim 5, wherein the proportion of (B) is from 15 to 25 parts per 85 to 75 parts of (M).

Claim 14 (Cancelled)

Claim 15 (Previously Added; Withdrawn) Compositions according to Claim 3, wherein the alkyl (meth)acrylate of (B1) and (B2) is 2-ethylhexyl acrylate.

Claim 16 (Currently Amended): Thermoplastic compositions comprising by weight:

- 75 to 85 % of a thermoplastic polymer (M) forming a matrix, the thermoplastic polymer (M) being a polyamide or a polyamide block copolymer, and

- 25 to 15 % of (B) comprising:

either an ethylene-2-ethylhexyl (meth)acrylate copolymer (B1) further carrying a functional group selected from the group consisting of carboxylic acids, (i) carboxylic acid derivatives other than the ester functional group of the acrylate portion of the copolymer (B1), the carboxylic acid derivatives being selected from the group consisting of anhydrides, amides and imides of carboxylic acids, (ii) acid chlorides, (iii) isocyanates, (iv) oxazolines, (v) epoxides, (vi) amines and (vii) hydroxides,

or a blend of an ethylene-2-ethylhexyl (meth)acrylate copolymer (B2) which does not carry a functional group selected from the group consisting of carboxylic acids, (i) carboxylic acid derivatives other than the ester functional group of the acrylate portion of the copolymer (B2), the carboxylic acid derivatives being selected from the group consisting of anhydrides, amides and imides of carboxylic acids, (ii) acid chlorides, (iii) isocyanates, (iv) oxazolines, (v) epoxides, (vi) amines and (vii) hydroxides, and of an impact modifier which carries a functional group selected from the group consisting of carboxylic acids, (i) carboxylic acid derivatives other than the ester functional group of the acrylate portion of the copolymer (B2), the carboxylic acid derivatives being selected from the group consisting of anhydrides, amides and imides of carboxylic acids, (ii) acid chlorides, (iii) isocyanates, (iv) oxazolines, (v) epoxides, (vi) amines and (vii) hydroxides.

Claim 17 (New): Compositions according to claim 16, wherein the functional group carried by the ethylene-2-ethylhexyl (meth)acrylate copolymer (B1) is maleic anhydride.